

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

SCOTT T. HACKER, Individually and  
on behalf of all others similarly situated,

Plaintiff,

v.

ELECTRIC LAST MILE SOLUTIONS, INC.  
F/K/A FORUM MERGER III CORP., JAMES  
TAYLOR, JASON LUO, DAVID  
BORIS, MARSHALL KIEV, ALBERT  
LI, and ROBERT SONG,

Defendants.

**CIVIL ACTION NO.**

**2:22-cv-00545-CCC-LDW**

**MOTION DAY: May 2, 2022**

PIERRE FONTAINE, Individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

ELECTRIC LAST MILE SOLUTIONS,  
INC. F/K/A FORUM MERGER III CORP.,  
JAMES TAYLOR, JASON LUO, DAVID  
BORIS, MARSHALL KIEV, ALBERT LI,  
and ROBERT SONG,

Defendants.

**CIVIL ACTION NO.**

**1:22-cv-01902**

**[PROPOSED] ORDER FOR CONSOLIDATION, APPOINTMENT OF LEAD  
PLAINTIFF, AND APPROVAL OF SELECTION OF LEAD COUNSEL**

Having considered the Motion of Pierre Fontaine for Consolidation, Appointment as Lead Plaintiff, and Approval of Selection of Lead Counsel (the “Motion”), the Court hereby enters the following Order:

I. The Motion is granted.

II. Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, the above-captioned actions, and any subsequently filed or transferred related actions are hereby **CONSOLIDATED** for all purposes (hereinafter, the “Action”).

III. This Order (the “Order”) shall apply to the Action and to each case that relates to the same subject matter that is subsequently filed in this Court or is transferred to this Court, and is consolidated with the Action.

IV. A Master File is established for this proceeding. The Master File shall be Civil Action No. 2:22-cv-00545. The Clerk shall file all pleadings in the Master File and note such filings on the Master Docket. Every pleading in the Action shall have the following caption:

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V. Each new case that arises out of the subject matter of the Action shall be consolidated with the Action. This Order shall apply thereto, unless a party objects to consolidation (as provided for herein), or to any provision of this Order, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party by filing an application for relief, and this Court deems it appropriate to grant such application. Nothing in the foregoing shall be construed as a waiver of Defendants’ right to object to the consolidation of any subsequently-filed or transferred related action.

VI. Pierre Fontaine is appointed to serve as Lead Plaintiff in the Action pursuant to 15 U.S.C. § 78u-4(a)(3)(B).

VII. Mr. Fontaine's selection of Labaton Sucharow LLP as Lead Counsel for the Class is approved pursuant to 15 U.S.C. § 78u-4(a)(3)(B)(v). Lead Counsel shall have the authority to speak for all Plaintiffs and Class members in all matters regarding the litigation, including, but not limited to, pre-trial proceedings, motion practice, trial, and settlement. Lead Counsel shall make all work assignments in such a manner as to facilitate the orderly and efficient prosecution of this litigation, and to avoid duplicative or unproductive effort. Additionally, Lead Counsel shall have the following responsibilities:

- A. to brief and argue motions;
- B. to initiate and conduct discovery, including, but not limited to, coordination of discovery with Defendants' counsel, and the preparation of written interrogatories, requests for admissions, and requests for production of documents;
- C. to direct and coordinate the examination of witnesses in depositions;
- D. to act as spokesperson at pretrial conferences;
- E. to initiate and conduct any settlement negotiations with Defendants' counsel;
- F. to consult with and employ experts;
- G. to receive and review periodic time reports of all attorneys on behalf of Plaintiffs, to determine if the time is being spent appropriately and for the benefit of Plaintiffs, and to determine and distribute Plaintiffs' attorneys' fees; and
- H. to perform such other duties as may be expressly authorized by further order of this Court.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

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HON. CLAIRE C. CECCHI  
UNITED STATES DISTRICT JUDGE  
DISTRICT OF NEW JERSEY